IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.14867 of 1998

Between:

Sankshema Charitable Trust, Railapur Village, Medchal Mandal,
R.R.Dist., rep. By its Employee P.Sanjeeva Rao, S/o. Venkateswar Rao.

..... PETITIONER

AND

1 The Executive Officer, Railapur Gram Panchayath,
Railapur Village, Medchal Mandal,
R.R.Dist.
2 The Dist. Panchayath Officer,
R.R.Dist.
3 The Sarpanch, Railapur Gram Panchayath,
Railapur Village, Medchal Mandal,
Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in seeking to demolish the two sheds constructed in survey Nos. 116 to 122, situated in Railapur Village, Medchal Mandal, R.R.Dist, belonging to the petitioner as illegal, arbitrary.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents: MR.P.RAGHAVENDRA REDDY

The Court made the following:

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ORDER:

Questioning the action of the respondents in seeking to demolish the two sheds constructed by the petitioner-Trust in Survey Nos.116 to 122 of Railapur village, Medchal Mandal, Ranga Reddy District, the present writ petition is filed.

The petitioner-Trust is said to have purchased Ac.45.00 of land situated in Survey Nos.116 to 122 of Railapur village, Medchal Mandal, Ranga Reddy District, under a registered sale deed and raised teak plantation in an extent of Ac.25.00 of land. It is stated that in order to supervise the said plantation the petitioner-Trust seeks to construct office and labour quarter in the said land and accordingly it submitted an application dated 05.02.1998 with requisite fee to the 1st respondent-Executive Officer, who in turn by order dated 09.03.1998 directed the petitioner-Trust to obtain permission from the Hyderabad Urban Development Authority (for short 'HUDA') as Survey Nos.117 to 122 fall within the jurisdiction of HUDA. Accordingly, the petitioner-Trust is said to have submitted an application dated 02.04.1998 to HUDA seeking permission for construction of two sheds in the said land, and since the said application was not rejected within the specified period, the construction was commenced and completed in the middle of April, 1998. Thereafter, the 1st respondent issued a notice dated 02.05.1998 to the petitioner-Trust directing it to submit the plans within 15 days as it constructed a house without obtaining permission from the Gram Panchayat, to which the petitioner-Trust submitted the plans relating to the construction on 11.05.1998. The grievance of the petitioner-Trust is that despite the submission of plans, the 1st respondent again issued a notice dated 16.05.1998 to the petitioner-Trust directing to submit the plans and sale deeds etc., to the Gram Panchayat Office within three days for obtaining permission, otherwise necessary action would be initiated. Questioning the said notice, the petitioner-Trust filed the present writ petition.

Even though the writ petition was admitted in the year 1998, no counter affidavit is filed by the respondents so far. Heard the learned counsel for the petitioner and the

learned counsel for the respondents.

A perusal of the writ averments clearly indicates that the petitioner-Trust, without obtaining any prior permission either from the HUDA or from the Gram Panchayat, constructed a house in the land in question. Hence, the respondents-Gram Panchayat has issued the impugned notice to the petitioner directing him to obtain necessary permission from the HUDA and submit the same to the Gram Panchayat. It is the primary duty of the petitioner-Trust to obtain necessary permission from the concerned authorities before making any constructions. The impugned notice shows that the petitioner-Trust was only asked to obtain necessary permission from HUDA, otherwise necessary action would be initiated. Since the petitioner is said to have made construction without obtaining permission from HUDA, the impugned order required him to obtain permission so as to legalize his constructions, and no exception can be taken thereto.

In that view of the matter, I deem it appropriate to dispose of the writ petition with the following direction.

The petitioner-Trust is directed to make an application to HUDA seeking permission relating to the constructions in question, and after obtaining such permission, submit the same to the respondents-Gram Panchayat, within a period of three months from today. It is made clear that if no permission is obtained and submitted by the petitioner-Trust within the said period, the respondents-Gram Panchayat is at liberty to take appropriate action in the matter in accordance with law. Till such time status quo existing as on today shall be maintained. No costs.

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N.V. RAMANA, J.

Date: 21.04.2005

Nsr/Ksr

..... REGISTRAR

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SECTION OFFICER

To

1 The Executive Officer, Railapur Gram Panchayath,
Railapur Village, Medchal Mandal,
R.R.Dist.
2 The Dist. Panchayath Officer,
R.R.Dist.
3 The Sarpanch, Railapur Gram Panchayath,
Railapur Village, Medchal Mandal,
Warangal District.

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